



On appeal, the appellant argues that she took over the duties of the prior incumbent in the requested title. She states that while in her current title, she worked alongside the plumbers and pipefitters, but does so no longer. Currently, she identifies needed repairs and orders materials, and coordinates electricians, carpenters, HVAC Mechanics and Repairers to make repairs to the infrastructure of all campuses. She states that she instructs the Crew Supervisor, Plumbers and Steamfitters on plumbing repairs, obtains quotes from vendors attends job meetings and plans years of deferred maintenance, all of which are new duties. In support, the appointing authority states that Assistant Supervisor of Building Repairs has been the classification of the position for many years, since 2004, and two other employees were in this position with similar duties. In support, the appointing authority provides additional information.

### CONCLUSION

*N.J.A.C.* 4A:3-3.9(e) states that in classification appeals the appellant shall provide copies of all materials submitted, the determination received from the lower level, statements as to which portions of the determination are being disputed, and the basis for appeal. Information and/or argument which was not presented at the prior level of appeal shall not be considered.

The definition section of the job specification for Crew Supervisor, Plumbers and Steamfitters states:

Under direction, supervises a group of plumbers and steamfitters and other employees or inmates engaged in the installation, repair and maintenance of plumbing and steam fitting systems, fixtures and fittings; prepares for work from plans, sketches and specifications; works with hand and machine tools common to the trade; may be required to operate a water treatment plant. Supervises staff and work activities. Prepares and signs official performance evaluations for subordinate staff; does related work as required.

The definition section of the job specification for Assistant Supervisor of Building Repairs states:

Under direction of the Supervisor of Building Repairs or other supervisory officer, in a large state department, institution, or agency, supervises employees engaged in the repair, maintenance, minor construction, adjustment of mechanical installations and equipment, and maintenance of grounds; does other related work.

Based upon a review of the information presented in the record, this position is properly classified as Crew Supervisor, Plumbers and Steamfitters. At the

outset, the classification of a position cannot be based on a comparison to the duties of other positions, especially if those positions are misclassified. *See in the Matter of Carol Maita, Department of Labor* (Commissioner of Personnel, decided March 16, 1995); *In the Matter of Dennis Stover, Middletown Township* (Commissioner of Personnel, decided March 28, 1996); *In the Matter of Lorraine Davis, Office of the Public Defender* (Commissioner of Personnel, decided February 20, 1997), *affirmed*, Docket No. A-5011-96t1 (App. Div. October 3, 1998). Classification does not rely on duties that may have been performed in the past. The classification of a position is determined based the duties and responsibilities assigned to a position at the time the request for reclassification is received by Agency Services as verified by audit or other formal study. As such, any remedy derived therefrom is prospective in nature since duties which may have been performed in the past cannot be reviewed or verified. The duties of the position must still match the definition of the title. The prior incumbents in the position may have been working out-of-title, and it is not appropriate to perpetuate a misclassification of a position on this basis. Rather, misclassified positions should be assigned appropriate duties for the title or be reclassified to the appropriate title.

Next, classification determinations list only those duties which are considered to be the *primary* focus of the appellant's duties and responsibilities that are performed on a regular, recurring basis. *See In the Matter of David Baldasari* (Commissioner of Personnel, decided August 22, 2006). The Assistant Supervisor of Building Repairs assists in assigning and instructing employees working in plumbing, steam, electric, refrigeration, water and sewage, carpentry, painting, masonry, sheet metal, repair work, and other types of maintenance work. This position is located in the Plumbing Shop and repair duties are specific to plumbing and steamfitting or related. There are other units for HVAC, grounds, and repairs. In other words, the requested title is suited to general building repairs in a variety of disciplines, including grounds keeping, while the position is specific to one discipline. This is exemplified by the experience requirement, which includes supervisory experience in the maintenance and repair of buildings and grounds, which shall have included the preparation of cost estimates and workable shop drawings. The appellant could not meet this requirement for a promotional examination. While the appellant's position may include some of the duties performed by the Assistant Supervisor of Building Repairs, it would primarily have to assist in assigning and instructing employees working in plumbing, steam, electric, refrigeration, water and sewage, carpentry, painting, masonry, sheet metal, repair work, and other types of maintenance work. The duties of the appellant's position appear to limited to plumbing and steam fitting issues, and related projects.

At the time of the audit, the appellant indicated that she spent 30% of her time assigning plumbing tasks, scheduling, coordinating the flow of materials with assignments, and watching the progress of tasks; 20% of her time on establishing

preventative maintenance procedures such as inspections of fire suppression pumps, the water plant, and other plumbing, and coordinating repairs as necessary, and supervising employees; 15% of her time maintaining records including work orders, materials, and chemical and water usage; 10% of her time soliciting bids from contractors on specialty repairs; 10% of her time on referencing prints, drawings and plans of sewer and water mains, fire suppression prints, and plumbing plans for repairs, inspections and new installations; and her remaining 15% is split between using computer programs, repairs, construction and winterization of irrigation supply systems, and maintaining multiple drinking water wells. It is not clear from the classification review that the appellant's duties encompass the scope of disciplines supervised by the Assistant Supervisor of Building Repairs.

The *primary* duties of the position fall within the parameters of the definition for Crew Supervisor, Plumbers and Steamfitters, *i.e.*, the position is responsible for supervising a group of plumbers and steamfitters and other employees or inmates engaged in the installation, repair and maintenance of plumbing and steam fitting systems, fixtures and fittings; preparing for work from plans, sketches and specifications; and working with hand and machine tools common to the trade. That the position may not be required to work with hand and machine tools common to the trade on a daily basis does not establish that the duties match the scope of those for the requested title. It is long-standing policy that upon review of a request for position classification, when it is found that the majority of an incumbent's duties and responsibilities correspond to the examples of work found in a particular job specification, that title is deemed the appropriate title for the position. With respect to the additional clarification of duties provided by the appointing authority, this description of duties does not establish that the appellant supervises employees engaged in the repair, maintenance, minor construction, adjustment of mechanical installations and equipment, and maintenance of grounds. Other crews have their own supervisors, and the appellant works in coordination with other crews to accomplish plumbing-related goals, but she does not supervise those crews. Should the position be assigned to primarily perform those types of duties, an Assistant Supervisor of Building Repairs classification may be warranted.

Accordingly, a thorough review of this matter demonstrates that the decision of Agency Services is amply supported by the record that at the time of the classification review the position would be properly classified as Crew Supervisor, Plumbers and Steamfitters.

### **ORDER**

Therefore, the position of Bette Feldeisen is properly classified as a Crew Supervisor, Plumbers and Steamfitters.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 1<sup>ST</sup> DAY OF SEPTEMBER, 2021

*Deirdre' L. Webster Cobb*

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